

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**  
**COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

**General Court Regulation No. 2022-01**  
**In re: The Abandoned and Blighted Property Conservatorship Act**

**AND NOW** this 9<sup>th</sup> day of August, 2022 this Court adopts this General Court Regulation to provide updated procedural guidance in the filing and processing of all petitions filed pursuant to *The Abandoned and Blighted Property Conservatorship Act*, 2008, November 26, P.L. 1672, No. 135 effective Feb. 24, 2009; amended 2014, October 22, P.L. 2557, No. 157, effective Dec. 22, 2014; 68 P.S. §1101 et seq. (hereinafter, “Act 135” or “the Act”).

**1) Initiation of Action.**

- (a) Actions filed pursuant to the Act shall be commenced by the electronic filing of a Petition for the Appointment of a Conservator as a “Petition Action” with the Office of Judicial Records – Civil as provided in Philadelphia Civil Rule \*205.4. A separate action must be filed for each property (“Property”), as defined in Section 1103 of the Act, that has a specific Philadelphia Office of Property Assessment (“OPA”) account number; however, adjacent properties meeting the criteria in Section 1104(e) of the Act may be included as part of a single Petition.
- (b) Petitioner shall identify in the Parties screen of the Civil Electronic Filing System: Respondents as defined below in Subsection 3(a), Lienholders as defined below in Subsection (3)(b), and Other Parties in Interest, including municipal authorities, as defined below in Subsection (3)(c).

**Note.** For more information regarding the entry of party types, see the Civil Electronic Filing User Manual available on the website of the First Judicial District at: [http://www.courts.phila.gov/pdf/manuals/civil-trial/FJD\\_Civil\\_E-Filing\\_User\\_Manual.pdf](http://www.courts.phila.gov/pdf/manuals/civil-trial/FJD_Civil_E-Filing_User_Manual.pdf).

**2) Identification of the Abandoned and Blighted Property.**

The caption of the Petition shall identify the street address of the Property, with the zip code and extended zip code (if available) and the OPA account number.

**3) Parties**

**(a) Respondent.**

- (i) The Petition shall name the “owner” of the Property, as defined by Section 1103 of the Act, as the Respondent.
- (ii) The Petitioner must conduct a good faith investigation to identify and name all Respondent(s).

**(A) Decedent Owners or Partial Owners.** In the event the owner or partial owner of the Property is deceased, the Petitioner shall ascertain and name the following as Respondent(s) both in the body of the Petition and in relevant screens of the Civil Electronic Filing System to facilitate service of all orders, required notices, and status of proceedings as may be applicable:

(1) *Personal Representative (Executor)* appointed by the Register of Wills for the decedent's estate;

(2) *Personal Representative (Administrator)* appointed by the Register of Wills for the decedent's estate;

(3) *Heirs*. If no estate has been created and no personal representative (executor or administrator) appointed by the Register of Wills, all heirs shall be listed as Respondent(s).

(a) *Known Heirs*. If the whereabouts of a known heir cannot be ascertained, the Petitioner shall attach, as an exhibit to the Petition, a written report, verified or by affidavit, setting forth in complete detail the investigation made to locate the heir.

(b) *Unknown Heirs*. The Petitioner shall attach a written report, verified or by affidavit, setting forth a family tree, as complete as possible under the circumstances, together with such documentary evidence as Petitioner has been able to obtain. The Petitioner is under a continuing obligation to name as additional Respondents any heirs unknown at the time of filing the petition and subsequently discovered.

**(B) Trust.** In the event the owner or partial owner is a Testamentary Trust, Inter Vivos Trust, or deed having a trust, the Petitioner shall ascertain and name the Trustee(s) of the Trust as Respondent(s) both in the body of the Petition and in relevant screens of the Civil Electronic Filing System to facilitate service of all orders, required notices, and status of proceedings as may be applicable.

**(C) Charitable Non-Profit Corporation.** In the event the owner or partial owner is a Charitable Non-Profit Corporation, the Petitioner shall name the Pennsylvania Attorney General's Office as an Interested Party both in the body of the Petition and in relevant screens of the Civil Electronic Filing System to facilitate service of all orders, required notices, and status of proceedings as may be applicable.

**(b) Lienholders.** The Petitioner must identify all holders of mortgages, liens, and other encumbrances on the Property (including judgment creditors as may be disclosed in a judgment search or title report), as well as their addresses, both in the body of the petition and in relevant screens of the Civil Electronic Filing System to facilitate a determination of whether they were served with all orders, required notices and the status of proceedings as may be applicable.

**(c) Other Parties in Interest.** In addition to lienholders, Petitioner must identify other interested parties and entities including the Pennsylvania Office of Attorney General in cases where the Respondent is a non-profit entity, including an unincorporated association, and the Pennsylvania Department of Revenue Inheritance Tax Division in cases involving potential unpaid inheritance tax.

**4) Service.** The Petitioner shall serve all Respondents as required by Section 1104(d) of the Act.

**5) Content of the Petition.** A petition to appoint a Conservator, in addition to the requirements set forth in Section 1104 of the Act, shall contain the following:

(a) Documentation, dated no more than 60 days prior to the date on which the Petition was filed, which identifies the owner of record and all judgments and liens against the Property;

(b) A copy of the most recently recorded deed and/or other equivalent documentation showing the Property is not owned by or held in trust for the Federal Government and regulated under the United States Housing Act of 1937 (50 Stat. 888, 42 U.S.C. § 1437 et seq.) and regulations promulgated under that act;

(c) An averment the Property has not been legally occupied for the previous 12 months.

(d) An averment as to whether the Property had been “actively marketed,” as defined in Section 1103, in the last 60 days.

(e) An averment the owner did not vacate the Property to perform military service in time of war or armed conflict or in order to assist with relief efforts during a declared federal or state emergency as a member of the United States Armed Forces or reserve.

(f) An averment the Property is not subject to a pending foreclosure action by an individual or nongovernmental agency.

(g) A *Notice of the Filing of a Petition for the Appointment of a Conservator*, substantially in the form as attached hereto as Attachment “A.”

**6) Rule to Show Cause and Case Management Order. Service of Petition. Scheduling Hearing.** Upon filing of the Petition, the court will issue a Rule to Show Cause and Case Management Order which will:

(a) direct the Petitioner to promptly:

(i) Post a copy of the *Notice of Filing a Petition for the Appointment of a Conservator* (as attached hereto as Attachment “A”) at the Property.

(ii) Serve a copy of the Notice, the Petition and all exhibits, and the *Rule to Show Cause and Case Management Order* on the Respondent(s) in accordance with Section 1104(d) of the Act and file a Return of Service as soon as possible upon service. The Petitioner must be prepared to demonstrate a good faith effort has been made to identify and serve all Respondents prior to the hearing.

(iii) Serve, in accordance with Section 1104(d) of the Act, a copy of the *Notice*, the *Petition* and all exhibits, and the *Rule to Show Cause and Case Management Order* on the following municipal authorities: (1) the Philadelphia Law Department and (2) the Philadelphia Gas Works. The Petitioner shall file Returns of Service as soon as possible upon service.

(iv) Serve, in accordance with Section 1104(d) of the Act, a copy of the *Notice*, the *Petition* and all exhibits, and the *Rule to Show Cause and Case*

*Management Order* on all Lienholders and Other Parties in Interest as identified in the Petition and shall file a Return of Service as soon as possible upon service.

- (v) file a Lis Pendens with the City of Philadelphia Department of Records and a copy thereof with the Office of Judicial Records.

- (b) Pursuant to Section 1105, schedule a hearing on the Petition for a date certain within sixty (60) days of the filing of the Petition.

**7) Answer. Response Period.** The Respondent may file a verified Answer to the Petition within 20 days after service of the Petition. An Answer may include a New Matter.

**8) Filing of Final Plan.** In addition to the requirements of Section 1106(b) of the Act, the Final Plan shall specifically set forth the Scope of Work to be performed, set forth in detail the financing for the costs of rehabilitation, and other relevant requests, including whether the conservator intends to request the court grant priority status to a lien given to secure payment on a debt incurred to facilitate the borrowing of funds to rehabilitate or demolish the Property, as authorized in Section 1108(b) of the Act.

**9) Filing of an Account.** Upon completion of the Final Plan, the Conservator shall file a full Account of all funds expended by the Conservator. The Account shall include a summary of actions taken by the Conservator, a detailed report verifying each of the items in the Scope of Work approved by the court was in fact completed, and if not completed, the Conservator must provide sufficient justification for not completing any of the items.

**10) Sale of the Property. Distribution of Proceeds.**

- (a) When seeking court approval to sell the Property at public or private sale, the Conservator must set forth in detail:
  - (i) the reasons for seeking the sale of the Property;
  - (ii) whether a pre-existing relationship exists between the Conservator and the proposed purchaser;
    - 1) If pre-existing relationship does exist between the Conservator and the proposed purchaser, the Conservator must include a detailed description of the nature of the relationship;
  - (iii) the proposed terms of the sale;
  - (iv) estimated costs necessary to convey the Property; and
  - (v) proposed distribution of the proceeds.
- (b) The proposed Agreement of Sale shall be attached to any request for permission to sell the Property.
- (c) The court may schedule a hearing on the Conservator's request to sell the Property, and the Conservator must provide notice of the hearing to the Respondent(s), lienholders, and other parties to the action.
- (d) After the hearing, the court may issue an order authorizing the sale of the premises and further authorizing the Conservator or the Director of the Office of Judicial Records to execute the deed conveying title to the purchaser.
- (e) Accounting. Distribution of Proceeds.

- (i) Upon the Sale of the Property, the Conservator shall hold the proceeds of the sale in escrow pending the filing of an Account and a petition for approval to distribute the proceeds.
- (ii) Upon approval of the Account, the court will direct distribution of the proceeds as appropriate.

**11) Status Reports.** From time to time, the court may hold hearings so status reports may be presented by the Conservator or Respondent.

**12) Appointment of a Judge Pro Tem.** At any time, the Court may appoint a *judge pro tem* to review the pleadings filed, conduct any hearing or status hearing, and issue recommendations as directed by the Court. Court costs necessary for the payment of the *judge pro tem* must be deposited with the Office of Judicial Records by the Petitioner or Conservator as may be ordered from time to time by the Court.

This General Court Regulation is issued pursuant to *The Abandoned and Blighted Property Conservatorship Act*, 68 P.S. § 1101 *et seq.* and shall become effective immediately. The original General Court Regulation shall be filed with the Office of Judicial Records in a Docket maintained for General Court Regulations issued by the Administrative Judge of the Court of Common Pleas of Philadelphia County, shall be published in the *Pennsylvania Bulletin*, and copies shall be submitted to the Administrative Office of Pennsylvania Courts and to the Civil Procedural Rules Committee. Copies of the General Court Regulation will be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District of Pennsylvania at <http://courts.phila.gov>.

BY THE COURT:

/s/ Lisette Shirdan-Harris

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HONORABLE LISETTE SHIRDAN-HARRIS  
Administrative Judge, Trial Division  
Court of Common Pleas

**ATTACHMENT "A"**

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

<b>[Petitioner]</b>	:	
	:	COURT OF COMMON PLEAS
Petitioner.	:	
	:	PHILADELPHIA COUNTY
	:	
v.	:	CIVIL TRIAL DIVISION
	:	
<b>[Owner(s) of Property at Issue]</b>	:	_____ TERM, 20__
	:	
Respondent(s).	:	No.: _____

**NOTICE OF FILING OF A  
PETITION FOR THE APPOINTMENT OF A CONSERVATOR**

A Petition has been filed under the Abandoned and Blighted Property Conservatorship Act, 2008, November 26, P.L. 1672, No. 135 effective Feb. 24, 2009.; amended 2014, October 22, P.L. 2557, No. 157, effective Dec. 22, 2014; 68 P.S. §1101 *et seq.* (“the Act” or “Act 135”) for appointment of a Conservator to take possession of and rehabilitate or demolish the property located at:

\_\_\_\_\_, OPA No(s). \_\_\_\_\_.

[and, [the land adjacent thereto] [a vacant lot on which a building has been demolished],  
\_\_\_\_\_, OPA No(s). \_\_\_\_\_.]

**YOU ARE RECEIVING THIS NOTICE BECAUSE PUBLIC RECORDS REVEAL  
THAT YOU MAY BE ONE OF THE FOLLOWING:**

**TO THE RESPONDENT(S) / PROPERTY OWNER(S) AND OCCUPANTS:**

**Any owner or occupant who does not file an Answer to the Petition or fails to appear at the hearing scheduled on this matter may lose important rights to their property, including ownership rights.** As provided for in Act 135, a Conservator may be appointed to take possession of the property and remediate the blight, incur significant cost or expenses related to remediation of the blight that will be a lien against the property, and sell the property. If you are represented by a lawyer, you should provide them with a copy of this Notice of Filing and a copy of the *Petition for the Appointment of a Conservator* as soon as possible.

As required by the Act, a hearing will be held on **<DATE and Time, at [<Location>]**  
[<via Zoom Video Conference Technology>].

**TO ALL LIENHOLDERS/SECURED CREDITORS:**

If you are a holder of a mortgage, lien, or other encumbrance on the property or a secured creditor of the owner and want to be heard in this matter, you must file a *Petition to Intervene*. You may also seek to be appointed as Conservator. **If you do not seek to intervene or file an Answer to the Petition, the court may proceed without you and you may lose your rights to or interest in the property.** A Conservator may be appointed to take possession of the property, incur expenses that will be a lien against the property, and may sell the property free and clear of all liens and encumbrances. The Conservator's lien may have priority over your lien or other rights.

**TO THE CITY OF PHILADELPHIA.**

As the political subdivision in which the property is located, the City of Philadelphia may file a *Petition to Intervene* as provided in the *Rule to Show Cause and Case Management Order* and may seek to be appointed as Conservator.

**TO ANY AND ALL MUNICIPAL AUTHORITIES KNOWN TO HAVE PROVIDED SERVICE TO THE PROPERTY:**

A municipal authority which has provided service to the property may file a *Petition to Intervene* as provided for in the *Rule to Show Cause and Case Management Order*, and may seek to be appointed as the conservator.

*You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office below to find out where you can get legal help.*

*Philadelphia Bar Association  
Lawyer Referral and Information Service  
1101 Market Street, 11th Floor  
Philadelphia, Pennsylvania 19107  
(215) 238-6333  
<http://www.philadelphiabarlawyers.com/>*

*Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio, vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.*

*Asociacion de Licenciados de Filadelfia  
Servicio de Referencia e Informacion Legal  
1101 Market Street, 11<sup>th</sup> Floor  
Filadelfia, Pennsylvania 19107  
(215) 238-6333  
<http://www.philadelphiabarlawyers.com/>*